

HEALTH AND HUMAN SERVICES REPORTS

2018 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill addresses statutorily required reports related to health and human services topics.

Highlighted Provisions:

This bill:

- ▶ repeals reporting requirements for certain reports to the Health and Human Services Interim Committee, the Social Services Appropriations Subcommittee, or both committees;
- ▶ extends a reporting deadline;
- ▶ creates future repeal dates for certain other reports to the Health and Human Services Interim Committee, the Social Services Appropriations Committee Subcommittee, or both committees; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

- 26-55-108**, as enacted by Laws of Utah 2017, Chapter 228
- 62A-4a-1008**, as last amended by Laws of Utah 2017, Chapter 231
- 62A-15-1101**, as last amended by Laws of Utah 2017, Chapters 296 and 346
- 63I-2-226**, as last amended by Laws of Utah 2017, Chapters 126, 155, 413, and 419
- 63I-2-249**, as enacted by Laws of Utah 2015, Chapter 455
- 63I-2-258**, as last amended by Laws of Utah 2015, Chapters 258 and 266
- 63I-2-262**, as last amended by Laws of Utah 2017, Chapter 330
- 63I-2-263**, as last amended by Laws of Utah 2017, First Special Session, Chapter 1

33 **63I-2-276**, as renumbered and amended by Laws of Utah 2008, Chapter 382

34 **63I-2-278**, as last amended by Laws of Utah 2015, Chapter 217

35 ENACTS:

36 **63I-2-251**, Utah Code Annotated 1953

37

38 *Be it enacted by the Legislature of the state of Utah:*

39 Section 1. Section **26-55-108** is amended to read:

40 **26-55-108. Coprescription guidelines.**

41 (1) As used in this section:

42 (a) "Controlled substance prescriber" means the same as that term is defined in Section
43 58-37-6.5.

44 (b) "Coprescribe" means to issue a prescription for an opiate antagonist with a
45 prescription for an opiate.

46 (2) The department shall, in consultation with the Physicians Licensing Board created
47 in Section 58-67-201, the Osteopathic Physician and Surgeon's Licensing Board created in
48 Section 58-68-201, and the Department of Occupational and Professional Licensing created in
49 Section 58-1-103, establish by rule, made in accordance with Title 63G, Chapter 3, Utah
50 Administrative Rulemaking Act, scientifically based guidelines for controlled substance
51 prescribers to coprescribe an opiate antagonist to a patient.

52 ~~[(3) The department shall report to the Health and Human Services Interim Committee~~
53 ~~before October 30, 2017, regarding the guidelines established under Subsection (2).]~~

54 ~~[(4) The report described in Subsection (3) shall include:]~~

55 ~~[(a) established rules regarding the coprescription of an opiate antagonist to a patient;~~
56 ~~and]~~

57 ~~[(b) an analysis of:]~~

58 ~~[(i) the application of the rules; and]~~

59 ~~[(ii) the impact of the rules.]~~

60 Section 2. Section **62A-4a-1008** is amended to read:

61 **62A-4a-1008. Time frames for deletion or expungement of specified information**
62 **or reports.**

63 (1) The division shall delete any reference in the Management Information System or

64 Licensing Information System to:

65 (a) a report that is determined by the division to be without merit, if no subsequent
66 report involving the same alleged perpetrator has occurred within one year; or

67 (b) a report that is determined by a court of competent jurisdiction to be
68 unsubstantiated or without merit, if no subsequent report involving the same alleged
69 perpetrator has occurred within five years.

70 (2) The division shall maintain a separation of reports as follows:

71 (a) those that are supported;

72 (b) those that are unsupported;

73 (c) those that are without merit;

74 (d) those that are unsubstantiated under the law in effect before May 6, 2002;

75 (e) those that are substantiated under the law in effect before May 6, 2002; and

76 (f) those that are consented-to supported findings under Subsection

77 62A-4a-1005(3)(a)(iii).

78 (3) On or before May 1, 2018, the division shall make rules, in accordance with Title
79 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expungement of supported
80 reports or unsupported reports in the Management Information System and the Licensing
81 Information System.

82 ~~[(4) On or before November 1, 2017, the division director shall report to the Health and~~
83 ~~Human Services Interim Committee on the progress that the division is making toward the~~
84 ~~development and adoption of the administrative rules required under this section.]~~

85 ~~[(5)]~~ (4) The rules described in Subsection (3) shall:

86 (a) in relation to an unsupported report or a supported report, identify the types of child
87 abuse or neglect reports that:

88 (i) the division shall expunge within five years after the last date on which the
89 individual's name was placed in the information system, without requiring the subject of the
90 report to request expungement;

91 (ii) the division shall expunge within 10 years after the last date on which the
92 individual's name was placed in the information system, without requiring the subject of the
93 report to request expungement;

94 (iii) the division may expunge following an individual's request for expungement; and

(iv) the division may not expunge due to the serious nature of the specified types of child abuse or neglect;

(b) establish an administrative process and a standard of review for the subject of a report to make an expungement request; and

(c) define the term "expunge" or "expungement" to clarify the administrative process for removing a record from the information system.

~~[(6)]~~ (5) If an individual's name is in the information system for a type of child abuse or neglect report identified under Subsection ~~[(5)]~~ (4)(a)(iii), the individual may request to have the report expunged 10 years after the last date on which the individual's name was placed in the information system for a supported or unsupported report.

~~[(7)]~~ (6) If an individual's expungement request is denied, the individual shall wait at least one year after the issuance of the denial before the individual may again request to have the individual's report expunged.

~~[(8)]~~ (7) Only persons with statutory authority may access the information contained in any of the reports identified in Subsection (2).

Section 3. Section **62A-15-1101** is amended to read:

62A-15-1101. Suicide prevention -- Reporting requirements.

(1) As used in the section:

(a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.

(b) "Division" means the Division of Substance Abuse and Mental Health.

(c) "Intervention" means an effort to prevent a person from attempting suicide.

(d) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

(e) "State suicide prevention coordinator" means an individual designated by the division as described in Subsections (2) and (3).

(2) The division shall appoint a state suicide prevention coordinator to administer a state suicide prevention program composed of suicide prevention, intervention, and postvention programs, services, and efforts.

(3) The state suicide prevention program may include the following components:

(a) delivery of resources, tools, and training to community-based coalitions;

- 126 (b) evidence-based suicide risk assessment tools and training;
- 127 (c) town hall meetings for building community-based suicide prevention strategies;
- 128 (d) suicide prevention gatekeeper training;
- 129 (e) training to identify warning signs and to manage an at-risk individual's crisis;
- 130 (f) evidence-based intervention training;
- 131 (g) intervention skills training; and
- 132 (h) postvention training.

133 (4) The state suicide prevention coordinator shall coordinate with the following to
134 gather statistics, among other duties:

- 135 (a) local mental health and substance abuse authorities;
- 136 (b) the State Board of Education, including the public education suicide prevention
137 coordinator described in Section 53A-15-1301;
- 138 (c) the Department of Health;
- 139 (d) health care providers, including emergency rooms;
- 140 (e) federal agencies, including the Federal Bureau of Investigation;
- 141 (f) other unbiased sources; and
- 142 (g) other public health suicide prevention efforts.

143 (5) The state suicide prevention coordinator shall provide a written report to the Health
144 and Human Services Interim Committee, by the October meeting every year, on:

- 145 (a) implementation of the state suicide prevention program, as described in Subsections
146 (2) and (3);
- 147 (b) data measuring the effectiveness of each component of the state suicide prevention
148 program;
- 149 (c) funds appropriated for each component of the state suicide prevention program; and
- 150 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
151 other subgroups identified by the state suicide prevention coordinator.

152 (6) The state suicide prevention coordinator shall report to the Legislature's[:(a)
153 ~~Education Interim Committee, by the October 2015 meeting, jointly with the State Board of~~
154 ~~Education, on the coordination of suicide prevention programs and efforts with the State Board~~
155 ~~of Education and the public education suicide prevention coordinator as described in Section~~
156 ~~53A-15-1301; and (b)] Health and Human Services Interim Committee, by the October [2017]~~

157 2018 meeting, statistics on the number of annual suicides in Utah, including how many
158 suicides were committed with a gun, and if so:

159 (i) where the victim procured the gun and if the gun was legally possessed by the
160 victim;

161 (ii) if the victim purchased the gun legally and whether a background check was
162 performed before the victim purchased the gun;

163 (iii) whether the victim had a history of mental illness or was under the treatment of a
164 mental health professional;

165 (iv) whether any medication or illegal drugs or alcohol were also involved in the
166 suicide; and

167 (v) if the suicide incident also involved the injury or death of another individual,
168 whether the shooter had a history of domestic violence.

169 (7) The state suicide prevention coordinator shall consult with the bureau to implement
170 and manage the operation of a firearm safety program, as described in Subsection
171 53-10-202(18), Section 53-10-202.1, and the Suicide Prevention Education Program described
172 in Section 53-10-202.3.

173 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
174 division shall make rules:

175 (a) governing the implementation of the state suicide prevention program, consistent
176 with this section; and

177 (b) in conjunction with the bureau, defining the criteria for employers to apply for
178 grants under the Suicide Prevention Education Program in Section 53-10-202.3, which shall
179 include:

180 (i) attendance at a suicide prevention education course; and

181 (ii) display of posters and distribution of the firearm safety brochures or packets
182 created in Subsection 53-10-202(18)(a)(iii), but does not require the distribution of a
183 cable-style gun lock with a firearm if the firearm already has a trigger lock or comparable
184 safety mechanism.

185 ~~[(9) The state suicide prevention coordinator shall present to the Health and Human~~
186 ~~Services Interim Committee, no later than November 2017, a 10-year statewide suicide~~
187 ~~prevention plan.]~~

188 ~~[(10)]~~ (9) As funding by the Legislature allows, the state suicide prevention coordinator
189 shall award grants, not to exceed a total of \$100,000 per fiscal year, to suicide prevention
190 programs that focus on the needs of children who have been served by the Division of Juvenile
191 Justice Services.

192 Section 4. Section **63I-2-226** is amended to read:

193 **63I-2-226. Repeal dates -- Title 26.**

194 (1) Subsection 26-7-8(3) is repealed January 1, 2027.

195 (2) Subsection 26-7-9(5) is repealed January 1, 2019.

196 ~~[(1)]~~ (3) Section 26-8a-107 is repealed July 1, 2019.

197 (4) Subsection 26-8a-203(3)(a)(i) January 1, 2023.

198 ~~[(2)]~~ (5) Subsections 26-10-12(2) and (4) are repealed July 1, 2017.

199 (6) Subsection 26-18-2.3(5) is repealed January 1, 2020.

200 (7) Subsection 26-18-2.4(3)(e) is repealed January 1, 2023.

201 (8) Subsection 26-18-408(6) is repealed January 2, 2019.

202 (9) Subsection 26-18-410(5) is repealed January 1, 2026.

203 (10) Subsection 26-18-411(5) is repealed January 1, 2023.

204 (11) Subsection 26-18-604(2) is repealed January 1, 2020.

205 (12) Subsection 26-21-28(2)(b) is repealed January 1, 2021.

206 (13) Subsection 26-33a-106.1(2)(a) is repealed January 1, 2023.

207 (14) Subsection 26-33a-106.5(6)(c)(iii) is repealed January 1, 2020.

208 ~~[(3)]~~ (15) Title 26, Chapter 46, Utah Health Care Workforce Financial Assistance
209 Program, is repealed July 1, 2027.

210 (16) Subsection 26-50-202(7)(b) is repealed January 1, 2020.

211 (17) Subsections 26-54-103(6)(d)(ii) and (iii) are repealed January 1, 2020.

212 (18) Subsection 26-55-107(8) is repealed January 1, 2021.

213 (19) Subsection 26-56-103(9)(d) is repealed January 1, 2020.

214 ~~[(4)]~~ (20) Title 26, Chapter 59, Telehealth Pilot Program, is repealed January 1, 2020.

215 (21) Subsection 26-61-202(4)(b) is repealed January 1, 2022.

216 (22) Subsection 26-61-202(5) is repealed January 1, 2022.

217 Section 5. Section **63I-2-249** is amended to read:

218 **63I-2-249. Repeal dates -- Title 49.**

- 219 (1) Section 49-20-106 is repealed January 1, 2021.
- 220 (2) Section 49-20-412 is repealed January 1, 2016.
- 221 (3) Subsection 49-20-417(5)(b) is repealed January 1, 2020.
- 222 Section 6. Section **63I-2-251** is enacted to read:
- 223 **63I-2-251. Repeal dates -- Title 51.**
- 224 Section 51-9-203(3) is repealed January 1, 2023.
- 225 Section 7. Section **63I-2-258** is amended to read:
- 226 **63I-2-258. Repeal dates -- Title 58.**
- 227 Subsection 58-37f-303(7) is repealed January 1, 2019.
- 228 Section 8. Section **63I-2-262** is amended to read:
- 229 **63I-2-262. Repeal dates, Title 62A.**
- 230 (1) Section 62A-1-111.5 is repealed July 1, 2018.
- 231 (2) Subsection 62A-5-103.1(6) is repealed January 1, 2023.
- 232 (3) Subsection 62A-15-1101(6) is repealed January 1, 2019.
- 233 (4) Section 62A-15-1102 is repealed January 1, 2019.
- 234 Section 9. Section **63I-2-263** is amended to read:
- 235 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 236 (1) Section 63A-5-227 is repealed on January 1, 2018.
- 237 (2) Section 63H-7a-303 is repealed on July 1, 2022.
- 238 (3) On July 1, 2019:
- 239 (a) in Subsection 63J-1-206(3)(c)(i), the language that states "(i) Except as provided in
- 240 Subsection (3)(c)(ii)" is repealed; and
- 241 (b) Subsection 63J-1-206(3)(c)(ii) is repealed.
- 242 (4) Section 63J-4-708 is repealed January 1, 2023.
- 243 [~~(4)~~] (5) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.
- 244 [~~(5)~~] (6) Section 63N-3-110 is repealed July 1, 2020.
- 245 Section 10. Section **63I-2-276** is amended to read:
- 246 **63I-2-276. Repeal dates -- Title 76.**
- 247 Section 76-7-305.7 is repealed January 1, 2023.
- 248 Section 11. Section **63I-2-278** is amended to read:
- 249 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

- 250 (1) Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1, 2017.
- 251 (2) Subsection 78B-6-144(5) is repealed January 1, 2019.